



**Service of Process
Transmittal**

12/23/2021

CT Log Number 540790040

TO: KIM LUNDY- EMAIL
Walmart Inc.
GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE 1 STREET
BENTONVILLE, AR 72712-3148

RE: **Process Served in Georgia**

FOR: Wal-Mart Stores, Inc. (Former Name) (Domestic State: DE)
WALMART INC. (True Name)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: KNUCKLES CHAVEZ // To: WALMART INC.

DOCUMENT(S) SERVED: Entry, Summons, First Continuing Interrogatories, Complaint

COURT/AGENCY: Clayton County State Court, GA
Case # 2021CV02762

NATURE OF ACTION: Personal Injury - Slip/Trip and Fall - 06/28/2020, Walmart store located at 2940 Anvilblock Road, Ellenwood, GA, 30294

ON WHOM PROCESS WAS SERVED: The Corporation Company (FL), Cumming, GA

DATE AND HOUR OF SERVICE: By Process Server on 12/23/2021 at 14:00

JURISDICTION SERVED : Georgia

APPEARANCE OR ANSWER DUE: Within 30 days after service, exclusive of the day of service

ATTORNEY(S) / SENDER(S): Matthew T. Wilson
Princenthal, May & Wilson, LLC
750 Hammond Drive, Bldg 12, Suite 200
Sandy Springs, GA 30328

ACTION ITEMS: CT has retained the current log, Retain Date: 12/23/2021, Expected Purge Date: 12/28/2021
Image SOP
Email Notification, CORTNEY OSBORNE cortney.osborne@walmartlegal.com

REGISTERED AGENT ADDRESS: The Corporation Company (FL)
106 Colony Park Drive
STE 800-B
Cumming, GA 30040
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

- CIVIL ACTION NO. 2021CV02762DATE FILED 12/14/2021

ATTORNEY OR PLAINTIFF(s), ADDRESS & TELEPHONE NUMBER

Matthew T. WilsonPrincenthal, May & Wilson, LLC750 Hammond Drive, Bldg 12, Suite 200Sandy Springs, GA 30328

NAME, ADDRESS & TELEPHONE # OF PARTY TO BE SERVED

Wal-Mart Stores, Inc.C/O THE CORPORATION CO. (FL)106 Colony Park Drive Ste. 800-BCumming, Forsyth County, GA 30040[] MAGISTRATE [] STATE [] SUPERIOR - COURT
FORSYTH COUNTY, GEORGIA

Chavez Knuckles

PLAINTIFF(S)

VS.

Wal-Mart Stores, Inc. Et. Al.

DEFENDANT(S)

GARNISHEE

Other attached documents to be served:

SHERIFF'S ENTRY OF SERVICE

I HAVE THIS DAY SERVED THE WITHIN ACTION AND SUMMONS AS FOLLOWS:

[] PERSONAL Upon the following named defendant:

[] NOTORIOUS Upon defendant _____
By leaving a copy of the action and summons at the most notorious place of abode in the county.

Delivered the same to _____ described as follows: approximate age _____

vrs: approximate weight _____ pounds: approximate height _____ feet and _____ inches, domiciled at residence of the defendant _____

[] CORPORATION Upon corporation Corporation CompanyBy serving _____ in charge of the office and
place of business of the corporation in this county.By serving Naheer Walker _____, its registered agent.

[] TACK & MAIL By posting a copy of the same to the door of the premises designated in the affidavit and/or summons, and on the same day of such posting, by depositing a true copy of the same in the United States mail First Class mail, in an envelope properly addressed to the defendant(s) at the address shown in the summons, containing adequate notice to the defendant(s) to answer said summons at the place stated in the summons.

[] NON EST Did not serve because after a diligent search the defendant could not be found in the jurisdiction of the court.

This 22 day of Dec, 2021.SHERIFF DOCKET PAGE TIME: . M.M. Shaffer 2468

DEPUTY

IN THE STATE COURT OF CLAYTON COUNTY, GEORGIA
 9151 TARA BOULEVARD, ROOM 1CL181, JONESBORO, GEORGIA 30236
 TELEPHONE: (770) 477-3388 * FACSIMILE: (770) 472-8159

Tiki Brown
 Tiki Brown
 Clerk of State Court
 Clayton County, Georgia
 Waukecia Lawrence

Chavez Knuckles

Plaintiff

Vs.

WAL-MART, INC.

C/O THE CORPORATION CO. (FL)
 106 Colony Park Drive Ste 800-B

Cumming, Forsyth County, Georgia 30040

Defendant

2021CV02762

Case Number

SUMMONS

TO THE ABOVE NAMED DEFENDANT(S):

You are hereby summoned and required to file with the Clerk of said Court and serve upon Plaintiff's Attorney, whose name and address is:

Matthew T. Wilson
 Princenthal, May & Wilson, LLC
 750 Hammond Drive, Bldg 12, Suite 200
 Sandy Springs, GA 30328

answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

**TIKI BROWN
 CLERK OF COURT
 State Court of Clayton County**

By: W.Lawrence
 Deputy Clerk

4.

Defendant Natasha Grey (hereinafter "Grey") is a resident of the state of Georgia and may be served at her residence located at 3779 Laramie Road, Ellenwood, Clayton County, GA 30294 or wherever she may be found in this state.

5.

Defendants John Does I thru III, committed tortious acts or omissions on the premises of the Wal-Mart located at 2940 Anvilblock Road Ellenwood, Clayton County, Georgia 30294. (hereinafter "the Premises"). Defendants Does I thru III will be served with process upon their identities being ascertained.

6.

Defendants are subject to the personal jurisdiction of this Court.

7.

Venue is proper in this Court.

8.

On June 28, 2020, Plaintiff was shopping at the Premises.

9.

Plaintiff was a business invitee.

10.

As Plaintiff was walking in the subject store/Premises, when she slipped on grapes and fell to the floor. The grapes were negligently left in the floor by Defendants and/or their employees.

11.

As a result of slipping and falling on the grapes, Plaintiff experienced physical injuries, including injuries to her neck, back, hips and buttocks, knees, left arm and thighs. Plaintiff also

experienced bladder control issues.

12.

At all times pertinent to this action, Defendants Wal-Mart and Wal-Mart East owned the Premises.

13.

At all times pertinent to this action, Defendants operated and/or occupied the Premises.

14.

Defendants failed to exercise ordinary care to keep the Premises safe, as contemplated by O.C.G.A. § 51-3-1.

15.

Defendants failed to exercise ordinary by negligently maintaining the floor in the area where Plaintiff fell.

16.

Defendants failed to exercise ordinary by negligently dropping grapes on the floor in the area where Plaintiff fell.

17.

Defendants failed to exercise ordinary by negligently maintaining the floor and area where Plaintiff fell in violation of Defendant Wal-Mart's policies, procedures, and best practices.

18.

Defendants failed to exercise ordinary care to warn Plaintiff of the hazardous condition on the Premises, as contemplated by O.C.G.A. § 51-3-1.

19.

At all times pertinent to this action, Plaintiff exercised reasonable care for her own safety.

Plaintiff had no knowledge of the hazardous condition prior to falling.

20.

Defendants' multiple failures to exercise ordinary care to keep Plaintiff and the Premises safe Premises safe were the reasons for Plaintiff slipping and falling while on the Premises.

21.

The acts and omissions on the part of the Defendants, including Defendants' employees, constitute negligence. More particularly, Defendants had actual or constructive knowledge of the hazardous condition that caused Plaintiff to slip and fall, and Plaintiff did not have knowledge of the hazardous condition despite her exercise of ordinary care for her safety.

22.

Defendants failed to exercise ordinary care by not inspecting and maintain the floor and area where Plaintiff slip and fell.

23.

The negligence on the part of the Defendants was the cause in fact and the proximate cause of the injuries sustained by Plaintiff.

24.

As a result of her injuries, Plaintiff has incurred medical bills and will incur future medical bills.

25.

As a result of her injuries, Plaintiff has incurred lost wages and will incur future medical bills.

26.

Furthermore, as a result of her injuries, Plaintiff has experienced pain and suffering, and

she will continue to experience pain and suffering in the future.

27.

Defendant's failure to remove and/or adequately warn Plaintiff of the grapes on the floor showed a willful, wanton and reckless disregard for the safety and wellbeing of Plaintiff. Defendant is liable for punitive damages in accordance with O.C.G.A. § 51-12-5.1.

28.

Defendants have exhibited bad faith, been stubbornly litigious and have caused Plaintiff unnecessary trouble and expense, thereby entitling Plaintiff to recover her expenses of litigation, including her reasonable attorney's fees, pursuant to O.C.G.A. § 13-6-11 or other applicable law in accordance with the evidence.

WHEREFORE, Plaintiff respectfully demands the following:

- (a) That process issue and Defendants be served with process;
- (b) That Plaintiff have a trial by jury;
- (c) That Plaintiff recover compensatory damages, including, but not limited to, all past, present and future medical expenses, lost wages, and all past, present, and future mental and physical pain and suffering;
- (d) That Plaintiff recover punitive damages, attorney fees, and expenses, and
- (e) That Plaintiff have such other and further relief as this Court deems just and appropriate.

Respectfully submitted this 9th day of December, 2021.

/s/ Matthew T. Wilson
Matthew T. Wilson
Georgia Bar No. 558420
Adam P. Prinenthal
Georgia Bar No. 588219

PRINCENTHAL, MAY & WILSON, LLC
750 Hammond Drive
Building 12
Sandy Springs, GA 30328
Tel: (678) 534-1980
Fax: (404) 806-0624

Attorneys for Plaintiff



**Service of Process
Transmittal**

12/23/2021

CT Log Number 540789361

TO: KIM LUNDY- EMAIL
Walmart Inc.
GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE 1 STREET
BENTONVILLE, AR 72712-3148

RE: **Process Served in Georgia**

FOR: Wal-Mart Stores East, LP (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: KNUCKLES CHAVEZ // To: Wal-Mart Stores East, LP

DOCUMENT(S) SERVED: Attachment, Letter, Summons, Interrogatories, Complaint

COURT/AGENCY: Clayton County State Court, GA
Case # 2021CV02762

NATURE OF ACTION: Personal Injury - Slip/Trip and Fall - 06/28/2020, at 2940 Anvilblock Road
Ellenwood, Clayton County, Georgia 30294

ON WHOM PROCESS WAS SERVED: The Corporation Company (FL), Cumming, GA

DATE AND HOUR OF SERVICE: By Process Server on 12/23/2021 at 14:00

JURISDICTION SERVED : Georgia

APPEARANCE OR ANSWER DUE: Within 30 days after service, exclusive of the day of service

ATTORNEY(S) / SENDER(S): Matthew T. Wilson
Princenthal, May & Wilson, LLC
750 Hammond Drive, Building 12
Sandy Springs, GA 30328
678-534-1980

ACTION ITEMS: CT has retained the current log, Retain Date: 12/23/2021, Expected Purge Date:
12/28/2021
Image SOP
Email Notification, CORTNEY OSBORNE cortney.osborne@walmartlegal.com

REGISTERED AGENT ADDRESS: The Corporation Company (FL)
106 Colony Park Drive
STE 800-B
Cumming, GA 30040
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

CIVIL ACTION NO. 2021CV02762DATE FILED 12/14/2021

ATTORNEY OR PLAINTIFF(s), ADDRESS & TELEPHONE NUMBER

Matthew T. WilsonPrincenthal, May & Wilson, LLC750 Hammond Drive, Bldg 12, Suite 200Sandy Springs, GA 30328

NAME, ADDRESS & TELEPHONE # OF PARTY TO BE SERVED

Wal-Mart Stores East, L.P.C/O THE CORPORATION CO. (FL)106 Colony Park Drive Ste. 800-BCumming, Forsyth County, GA 30040[] MAGISTRATE STATE [] SUPERIOR - COURT
FORSYTH COUNTY, GEORGIA

Chavez Knuckles

PLAINTIFF(S)

VS.

Wal-Mart Stores, Inc. Et. Al.

DEFENDANT(S)

GARNISHEE

Other attached documents to be served:

SHERIFF'S ENTRY OF SERVICE

I HAVE THIS DAY SERVED THE WITHIN ACTION AND SUMMONS AS FOLLOWS:

[] PERSONAL Upon the following named defendant:

[] NOTORIOUS Upon defendant

By leaving a copy of the action and summons at the most notorious place of abode in the county.

Delivered the same to _____ described as follows: approximate age

vs: approximate weight _____ pounds: approximate height _____ feet and _____ inches, domiciled at residence of the defendant.

[] CORPORATION Upon corporation

Corporation Company

By serving _____, in charge of the office and place of business of the corporation in this county.

By serving _____, its registered agent.

[] TACK & MAIL By posting a copy of the same to the door of the premises designated in the affidavit and/or summons, and on the same day of such posting, by depositing a true copy of the same in the United States mail First Class mail, in an envelope properly addressed to the defendant(s) at the address shown in the summons, containing adequate notice to the defendant(s) to answer said summons at the place stated in the summons.

[] NON EST Did not serve because after a diligent search the defendant could not be found in the jurisdiction of the court.

This 22 day of Dec, 2021.SHERIFF DOCKET PAGE TIME: M.M. Walker 2468
DEPUTY

Tiki Brown
Tiki Brown
Clerk of State Court
Clayton County, Georgia
Waukecia Lawrence

IN THE STATE COURT OF CLAYTON COUNTY, GEORGIA
9151 TARA BOULEVARD, ROOM 1CL181, JONESBORO, GEORGIA 30236
TELEPHONE: (770) 477-3388 * FACSIMILE: (770) 472-8159

Chavez Knuckles

Plaintiff

Vs.

2021CV02762

Case Number

WAL-MART, STORES EAST, L.P.

C/O THE CORPORATION CO. (FL)
106 Colony Park Drive Ste 800-B

Cumming, Forsyth County, Georgia 30040

Defendant

SUMMONS

TO THE ABOVE NAMED DEFENDANT(S):

You are hereby summoned and required to file with the Clerk of said Court and serve upon Plaintiff's Attorney, whose name and address is:

Matthew T. Wilson
Princenthal, May & Wilson, LLC
750 Hammond Drive, Bldg 12, Suite 200
Sandy Springs, GA 30328

answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, Judgment by default will be taken against you for the relief demanded in the complaint.

TIKI BROWN
CLERK OF COURT
State Court of Clayton County

By: W. Lawrence
Deputy Clerk

Tiki Brown
Tiki Brown
Clerk of State Court
Clayton County, Georgia
Waukecia Lawrence

IN THE STATE COURT OF CLAYTON COUNTY

STATE OF GEORGIA

CHAVEZ KNUCKLES,)	
)	CIVIL ACTION
Plaintiff,)	
)	FILE NO. <u>2021CV02762</u>
vs.)	
)	
WAL-MART, INC., WAL-MART)	
STORES EAST, L.P., NATASHA GREY,)	
JOHN DOE I, II, AND III,)	
)	JURY TRIAL DEMANDED
Defendant.)	

PLAINTIFF'S COMPLAINT FOR DAMAGES

NOW COMES CHAVEZ KNUCKLES, Plaintiff in the above-styled action, and hereby files this, his Complaint for Damages, showing this honorable Court the following:

1.

Plaintiff Chavez Knuckles is a resident of the State of Georgia.

2.

Defendant Wal-Mart, Inc. (hereinafter "Wal-Mart") is a foreign corporation with its principal place of business in the State of Arkansas. Defendant may be served with process by serving its Registered Agent, The Corporation Company (FL), 106 Colony Park Drive Ste, Cumming, Georgia, Forsyth County, Georgia 30040.

3.

Defendant Wal-Mart, Stores East, L.P. (hereinafter "Wal-Mart East") is a foreign corporation with its principal place of business in the State of Arkansas. Defendant may be served with process by serving its Registered Agent, The Corporation Company (FL), 106 Colony Park Drive Ste, Cumming, Georgia, Forsyth County, Georgia 30040.

4.

Defendant Natasha Grey (hereinafter "Grey") is a resident of the state of Georgia and may be served at her residence located at 3779 Laramie Road, Ellenwood, Clayton County, GA 30294 or wherever she may be found in this state.

5.

Defendants John Does I thru III, committed tortious acts or omissions on the premises of the Wal-Mart located at 2940 Anvilblock Road Ellenwood, Clayton County, Georgia 30294. (hereinafter "the Premises"). Defendants Does I thru III will be served with process upon their identities being ascertained.

6.

Defendants are subject to the personal jurisdiction of this Court.

7.

Venue is proper in this Court.

8.

On June 28, 2020, Plaintiff was shopping at the Premises.

9.

Plaintiff was a business invitee.

10.

As Plaintiff was walking in the subject store/Premises, when she slipped on grapes and fell to the floor. The grapes were negligently left in the floor by Defendants and/or their employees.

11.

As a result of slipping and falling on the grapes, Plaintiff experienced physical injuries, including injuries to her neck, back, hips and buttocks, knees, left arm and thighs. Plaintiff also

experienced bladder control issues.

12.

At all times pertinent to this action, Defendants Wal-Mart and Wal-Mart East owned the Premises.

13.

At all times pertinent to this action, Defendants operated and/or occupied the Premises.

14.

Defendants failed to exercise ordinary care to keep the Premises safe, as contemplated by O.C.G.A. § 51-3-1.

15.

Defendants failed to exercise ordinary by negligently maintaining the floor in the area where Plaintiff fell.

16.

Defendants failed to exercise ordinary by negligently dropping grapes on the floor in the area where Plaintiff fell.

17.

Defendants failed to exercise ordinary by negligently maintaining the floor and area where Plaintiff fell in violation of Defendant Wal-Mart's policies, procedures, and best practices.

18.

Defendants failed to exercise ordinary care to warn Plaintiff of the hazardous condition on the Premises, as contemplated by O.C.G.A. § 51-3-1.

19.

At all times pertinent to this action, Plaintiff exercised reasonable care for her own safety.

Plaintiff had no knowledge of the hazardous condition prior to falling.

20.

Defendants' multiple failures to exercise ordinary care to keep Plaintiff and the Premises safe Premises safe were the reasons for Plaintiff slipping and falling while on the Premises.

21.

The acts and omissions on the part of the Defendants, including Defendants' employees, constitute negligence. More particularly, Defendants had actual or constructive knowledge of the hazardous condition that caused Plaintiff to slip and fall, and Plaintiff did not have knowledge of the hazardous condition despite her exercise of ordinary care for her safety.

22.

Defendants failed to exercise ordinary care by not inspecting and maintain the floor and area where Plaintiff slip and fell.

23.

The negligence on the part of the Defendants was the cause in fact and the proximate cause of the injuries sustained by Plaintiff.

24.

As a result of her injuries, Plaintiff has incurred medical bills and will incur future medical bills.

25.

As a result of her injuries, Plaintiff has incurred lost wages and will incur future medical bills.

26.

Furthermore, as a result of her injuries, Plaintiff has experienced pain and suffering, and

she will continue to experience pain and suffering in the future.

27.

Defendant's failure to remove and/or adequately warn Plaintiff of the grapes on the floor showed a willful, wanton and reckless disregard for the safety and wellbeing of Plaintiff. Defendant is liable for punitive damages in accordance with O.C.G.A. § 51-12-5.1.

28.

Defendants have exhibited bad faith, been stubbornly litigious and have caused Plaintiff unnecessary trouble and expense, thereby entitling Plaintiff to recover her expenses of litigation, including her reasonable attorney's fees, pursuant to O.C.G.A. § 13-6-11 or other applicable law in accordance with the evidence.

WHEREFORE, Plaintiff respectfully demands the following:

- (a) That process issue and Defendants be served with process;
- (b) That Plaintiff have a trial by jury;
- (c) That Plaintiff recover compensatory damages, including, but not limited to, all past, present and future medical expenses, lost wages, and all past, present, and future mental and physical pain and suffering;
- (d) That Plaintiff recover punitive damages, attorney fees, and expenses, and
- (e) That Plaintiff have such other and further relief as this Court deems just and appropriate.

Respectfully submitted this 9th day of December, 2021.

/s/Matthew T. Wilson
Matthew T. Wilson
Georgia Bar No. 558420
Adam P. Princenthal
Georgia Bar No. 588219

PRINCENTHAL, MAY & WILSON, LLC
750 Hammond Drive
Building 12
Sandy Springs, GA 30328
Tel: (678) 534-1980
Fax: (404) 806-0624

Attorneys for Plaintiff

IN THE STATE COURT OF CLAYTON COUNTY
STATE OF GEORGIA

Tiki Brown
Tiki Brown
Clerk of State Court
Clayton County, Georgia
Waukecia Lawrence

CHAVEZ KNUCKLES

Civil Action File No.
2021CV02762

Plaintiff,

v.

WAL-MART INC, WAL-MART
STORES EAST, LP, NATASHA GREY,
JOHN DOE I, II and III,

Defendants.

/

**ANSWER OF DEFENDANTS WAL-MART, INC.,
WAL-MART STORE EAST, LP AND NATASHA GREY**

COME NOW, Defendants WAL-MART INC, WAL-MART STORE EAST, LP, and NATASHA GREY (erroneously named) and make this Answer to Plaintiff's Complaint as follows:

FIRST DEFENSE

Jurisdiction is lacking as to Wal-Mart Inc.

SECOND DEFENSE

Venue is not proper as to Wal-Mart, Inc.

THIRD DEFENSE

Jurisdiction is lacking as to Wal-Mart Stores East, LP.

FOURTH DEFENSE

Venue is not proper as to Wal-Mart Stores East, LP.

FIFTH DEFENSE

Natasha Grey is not a proper Defendant.

SIXTH DEFENSE

Plaintiff's claims are barred by insufficiency of service and insufficiency of process as to Natasha Grey.

SEVENTH DEFENSE

Plaintiff's Complaint fails to state a claim against Defendants upon which relief can be granted.

EIGHTH DEFENSE

Plaintiff's alleged damages, if any, were directly and proximately caused by Plaintiff's own contributory negligence and failure to exercise ordinary care.

NINTH DEFENSE

Plaintiff was not in the exercise of ordinary care for his own safety in the premises, and by the exercise of ordinary care could have avoided any injury to herself; and on account thereof, Plaintiff is not entitled to recover from Defendants.

TENTH DEFENSE

Defendants deny that they were negligent in any manner whatsoever or that any negligent act or omission on their part caused or contributed to any injury or damage alleged to have been sustained by Plaintiff.

ELEVENTH DEFENSE

Plaintiff assumed the risk of any hazard that was presented and is thereby barred from recovering against Defendants.

TWELFTH DEFENSE

Plaintiff's claims for attorney's fees should be dismissed as a matter of law.

THIRTEENTH DEFENSE

Plaintiffs claim for punitive damages is barred as a matter of law.

FOURTEENTH DEFENSE

The statutes of the State of Georgia which authorize the imposition of aggravated, exemplary, or punitive damages are contrary, by their express terms and as they may be applied to the Defendant in this case, to the Constitution of the United States of America, and the Georgia Constitution and are, therefore, void inasmuch as said statutes allow for the deprivation of property without due process of law. (U.S. Const. amends V and XIV; Ga. Const. Art. 1, Section 1, Para. 1). Specifically, said statutes fail to define or provide advance notice of the prohibited behavior with reasonable clarity, fail to specify the upper limit of damages to be imposed, fail to set standards or criteria for the jury to apply in determining whether to impose punitive damages and, if so, the amount thereof. These defects in the statutes, inter alia, leave to the unbridled discretion of a random jury whether to impose such damages and the amount thereof, thereby

authorizing an award of aggravated, exemplary, or punitive damages which is unpredictable, arbitrary, capricious, and disproportionate.

FIFTEENTH DEFENSE

The statutes of the State of Georgia which authorize the imposition of aggravated, exemplary, or punitive damages are contrary, by their express terms and as they may be applied to the Defendant in this case, to the Constitution of the United States of America, and the Georgia Constitution and are, therefore, void inasmuch as said statutes deny this Defendant equal protection of the laws by providing fewer protections for civil litigants than the criminal laws provide to persons accused of violation of criminal statutes which provide for the imposition of monetary fines. (U.S. Const. Amend. XIV, Ga. Const. Art. 1, Section 1, Para. 2). Specifically, said statutes inter alia, fail to define or provide advance notice of the prohibited behavior with reasonably clarity whereas criminal defendants are entitled to such notice; said statutes fail to specify the upper limit of damages to be imposed whereas criminal statutes imposing similar penalties must be limited; said statutes allow imposition of such damages upon the "preponderance of the evidence" rather than the "beyond a reasonable doubt" standard applied in similar criminal cases; and said statutes contemplate the imposition of such damages against civil litigants who have been compelled to give evidence against

themselves under the Georgia Civil Practice Act whereas criminal defendants in similar cases cannot be so compelled.

SIXTEENTH DEFENSE

The statutes of the State of Georgia which authorize the imposition of aggravated, exemplary, or punitive damages are contrary, by their express terms and as they may be applied to the Defendant in this case, to the Constitution of the United States of America, and the Georgia Constitution and are, therefore, void inasmuch as said statutes allow for the imposition of an excessive fine. (U.S. Const. Amend. VIII and XIV; Ga. Const. Art. 1, Section 1, Para. 1.)

SIXTEENTH DEFENSE

The statutes of the State of Georgia which authorize the imposition of aggravated, exemplary, or punitive damages are contrary, by their express terms and as they may be applied to the Defendant in this case, to the Constitution of the United States of America, and the Georgia Constitution and are, therefore, void inasmuch as said statutes do not provide fair notice of (1) the severity of the potential punishment in relationship to the alleged degree of reprehensible conduct of Defendant, (2) the ratio of punitive damages award to the actual harm inflicted upon the Plaintiff, and (3) a comparison between the award and the civil or criminal penalties that could be imposed for comparable alleged misconduct.

See BMW of North America, Inc. v. Gore, 116 U.S. 415, 133 L.Ed.2d 333, 115 S.Ct.

932 (1966); BMW of North America, Inc. v. Gore, 116 S.Ct. 1589 (1996); and Pacific Mutual Life Ins. Co. v. Haslip, 499 U.S. 1, 113 L.Ed.2d 1, 111 S.Ct. 1032 (1991).

EIGHTEENTH DEFENSE

Defendants respond to the enumerated paragraphs of Plaintiff's Complaint as follows:

1.

Defendants lack sufficient knowledge and information to either admit or deny the allegations contained in paragraph 1 of Plaintiff's Complaint.

2.

Defendants deny the allegations contained in paragraph 2 of the Plaintiff's Complaint.

3.

Defendants deny the allegations contained in paragraph 3 of the Plaintiff's Complaint.

4.

Defendants admit the allegations contained in paragraph 4 of the Plaintiff's Complaint that her residence is 3779 Laramie Road, Ellenwood, Clayton County, Georgia; however, Defendant Grey is not a proper defendant.

5.

Defendants deny the allegations contained in paragraph 5 of the Plaintiff's Complaint.

6.

Defendants deny the allegations contained in paragraph 6 of the Plaintiff's Complaint as to Wal-Mart, Inc. Defendants admit the allegations contained in paragraph 6 of the Plaintiff's Complaint as to Natasha Grey but show Natasha Grey is not a proper Defendant.

7.

Defendants deny the allegations contained in paragraph 7 of the Plaintiff's Complaint as to Wal-Mart, Inc. Defendants admit the allegations contained in paragraph 6 of the Plaintiff's Complaint as to Natasha Grey but show Natasha Grey is not a proper Defendant.

8.

Defendants lack sufficient knowledge and information to either admit or deny the allegations contained in paragraph 8 of Plaintiff's Complaint.

9.

Defendants lack sufficient knowledge and information to either admit or deny the allegations contained in paragraph 9 of Plaintiff's Complaint but show that Plaintiff was not an invitee of these Defendants.

10.

Defendants deny the allegations contained in paragraph 10 of Plaintiff's Complaint.

11.

Defendants deny the allegations contained in paragraph 11 of Plaintiff's Complaint.

12.

Defendants deny the allegations contained in paragraph 12 of Plaintiff's Complaint.

13.

Defendants deny the allegations contained in paragraph 13 of Plaintiff's Complaint.

14.

Defendants deny the allegations contained in paragraph 14 of Plaintiff's Complaint, as stated.

15.

Defendants deny the allegations contained in paragraph 15 of Plaintiff's Complaint.

16.

Defendants deny the allegations contained in paragraph 16 of Plaintiff's Complaint.

17.

Defendants deny the allegations contained in paragraph 17 of Plaintiff's Complaint.

18.

Defendants deny the allegations contained in paragraph 18 of Plaintiff's Complaint.

19.

Defendants deny the allegations contained in paragraph 19 of Plaintiff's Complaint.

20.

Defendants deny the allegations contained in paragraph 20 of Plaintiff's Complaint.

21.

Defendants deny the allegations contained in paragraph 21 of Plaintiff's Complaint.

22.

Defendants deny the allegations contained in paragraph 22 of Plaintiff's Complaint.

23.

Defendants deny the allegations contained in paragraph 23 of Plaintiff's Complaint.

24.

Defendants deny the allegations contained in paragraph 24 of Plaintiff's Complaint.

25.

Defendants deny the allegations contained in paragraph 25 of Plaintiff's Complaint.

26.

Defendants deny the allegations contained in paragraph 26 of Plaintiff's Complaint.

27.

Defendants deny the allegations contained in paragraph 27 of Plaintiff's Complaint.

28.

Defendants deny the allegations contained in paragraph 28 of Plaintiff's Complaint.

29.

All other allegations contained in the Complaint which are not specifically responded to herein, are, therefore, denied.

30

Defendants deny Plaintiff's prayer for relief, including subparagraphs (a), (b), (c), (d) and (e) thereof.

WHEREFORE, Defendants pray that Plaintiff's Complaint be dismissed with all costs cast upon the Plaintiff. DEFENDANTS DEMAND TRIAL BY A JURY OF TWELVE (12) PERSONS AS TO ALL ISSUES SO TRIABLE.

McLAIN & MERRITT, P.C.

/s/ Mark L. Pickett

Mark L. Pickett
Georgia Bar No. 578190
Attorney for Defendants
WAL-MART, INC.
WAL-MART STORES EAST, LP
NATASHA GREY

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing ANSWER OF DEFENDANTS WALMART INC, WAL-MART STORES EAST, LP, and NATASHA GREY has this day been filed and served upon opposing counsel via Odyssey eFileGA.

This the 20th day of January, 2022.

McLAIN & MERRITT, P.C.

/s/ Mark L. Pickett

Mark L. Pickett
Georgia Bar No. 578190
Attorney for Defendants
WAL-MART, INC.
WAL-MART STORES EAST, LP
NATASHA GREY

3445 Peachtree Road, N.E. Suite 500
Atlanta GA 30326
(404) 365-4516
(404) 364-3138 (fax)
Mpickett@mmatllaw.com

Tiki Brown
Tiki Brown
Clerk of State Court
Clayton County, Georgia
Waukecia Lawrence

IN THE STATE COURT OF CLAYTON COUNTY
STATE OF GEORGIA

CHAVEZ KNUCKLES

Civil Action File No.
2021CV02762

Plaintiff,

v.

WAL-MART INC, WAL-MART
STORES EAST, LP, NATASHA GREY,
JOHN DOE I, II and III,

Defendants.

/

NOTICE OF TAKING DEPOSITION

YOU ARE HEREBY notified that beginning on the 10th day of March, 2021, commencing at 10:00 a.m., via Zoom Videoconferencing, the deposition will be taken of Chavez Knuckles. Said deposition will be taken for purposes of discovery and all other purposes provided by law before an officer duly authorized to administer oaths. The deposition shall continue from day-to-day until completion. This deposition may also be videotaped by a videographer.

McLAIN & MERRITT, P.C.

/s/ Mark L. Pickett

Mark L. Pickett
Georgia Bar No. 578190
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing NOTICE OF TAKING DEPOSITION has this day been filed and served upon opposing counsel via Odyssey eFileGA.

This the 20th day of January, 2022.

McLAIN & MERRITT, P.C.

/s/ Mark L. Pickett

Mark L. Pickett
Georgia Bar No. 578190
Attorney for Defendants
WAL-MART, INC.
WAL-MART STORES EAST, LP
NATASHA GREY

3445 Peachtree Road, N.E. Suite 500
Atlanta GA 30326
(404) 365-4516
(404) 364-3138 (fax)
Mpickett@mmatllaw.com

2021CV02762
IN THE STATE COURT OF CLAYTON COUNTY
STATE OF GEORGIA

Tiki Brown
Tiki Brown
Clerk of State Court
Clayton County, Georgia
Waukecia Lawrence

CHAVEZ KNUCKLES

Civil Action File No.
2021CV02762

Plaintiff,

v.

WAL-MART INC, WAL-MART
STORES EAST, LP, NATASHA GREY,
JOHN DOE I, II and III,

Defendants.

CERTIFICATE REGARDING DISCOVERY

Pursuant to Uniform State Court Rule 5.2, as amended, the undersigned
hereby certifies that the following discovery has been served upon all persons
identified in the Certificate of Service attached hereto and incorporated herein by
reference:

- 1) DEFENDANTS WAL-MART, INC. AND WAL-MART STORES EAST,
LP'S REQUEST FOR ADMISSIONS TO PLAINTIFF;
- 2) DEFENDANTS WAL-MART, INC. AND WAL-MART STORES EAST,
LP'S FIRST INTERROGATORIES AND REQUEST FOR PRODUCTION OF
DOCUMENTS TO PLAINTIFF; and
- 3) DEFENDANTS WAL-MART, INC. AND WAL-MART STORES EAST,
LP'S RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR ADMISSIONS

McLAIN & MERRITT, P.C.

/s/ Mark L. Pickett

Mark L. Pickett
Georgia Bar No. 578190
Attorney for Defendants
WAL-MART, INC.
WAL-MART STORES EAST, LP
NATASHA GREY

3445 Peachtree Road, N.E. Suite 500
Atlanta GA 30326
(404) 365-4516
(404) 364-3138 (fax)
Mpickett@mmatllaw.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing **CERTIFICATE REGARDING DISCOVERY** has this day been filed and served upon opposing counsel via Odyssey eFileGA.

This the 20th day of January, 2022.

McLAIN & MERRITT, P.C.

/s/ Mark L. Pickett

Mark L. Pickett
Georgia Bar No. 578190
Attorney for Defendants
WAL-MART, INC.
WAL-MART STORES EAST, LP
NATASHA GREY

3445 Peachtree Road, N.E. Suite 500
Atlanta GA 30326
(404) 365-4516
(404) 364-3138 (fax)
Mpickett@mmatllaw.com

State Court Magistrate Court

CLAYTON COUNTY, GEORGIA

FOR CLERK'S USE ONLY:

Mailed copy to Pltf Atty / 20

CASE NUMBER 2021CV02762

Chavez Knuckles

Tiki Brown
Clerk of State Court
Clayton County, Georgia
Plaintiff
Tahice Miller

VS.

Natasha Grey, et. al.

Defendant

3779 Laramie Road, Ellenwood, GA 30294

Address

Attorney or Plaintiff's Name & Address

Matthew T. Wilson

Garnishee

750 Hammond Drive, Bldg 12, Suite 200

Address

Sandy Springs, GA 30328

Designate Party to be served by placing a check in box above.

SHERIFF'S ENTRY OF SERVICEPERSONAL

I have this day served the defendant personally with a copy of the within action and summons.

NOTORIOUS I have this day served the defendant *Natasha Grey* by leaving a copy of the action and summons at his most notorious place of abode in this County.CORPORATION Delivered same into hands of *Charlize Kenney (Niece)* described as follows

age, about years; weight, about pounds; height, about feet and inches, domiciled at the residence of defendant, at A.M. - P.M.

TACK & MAIL

I have this day served the above affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of same in the United States Mail, First Class, in an envelope properly addressed to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON-EX.

Diligent search made and defendant not to be found in the jurisdiction of this Court.

The defendant is required to answer no later than 20 at the place stated in the summons.

This 22 day of Jan , 20 ,

Edie L. #29113

DEPUTY SHERIFF, CLAYTON COUNTY.

Tiki Brown
Tiki Brown
Clerk of State Court
Clayton County, Georgia
Jahice Miller

IN THE STATE COURT OF CLAYTON COUNTY

STATE OF GEORGIA

CHAVEZ KNUCKLES,)	
)	CIVIL ACTION
Plaintiff,)	
)	FILE NO. 2021CV02762
vs.)	
)	
WAL-MART, INC., WAL-MART)	
STORES EAST, L.P., NATASHA GREY,)	
JOHN DOE I, II, AND III,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

The undersigned counsel certifies that he has served a copy of the foregoing **PLAINTIFF'S**
RESPONSES TO DEFENDANT WAL-MART, INC. AND WAL-MART STORES EAST LP'S
FIRST REQUEST FOR ADMISSIONS upon the Court and counsel via electronic delivery service
to the following:

Mark L. Pickett
McLain & Merritt
3445 Peachtree Road, Suite 500
Atlanta, GA 30326
mpickett@mmatllaw.com

This 8th day of February, 2022.

/s/ Matthew T. Wilson
Adam P. Princenthal
Georgia Bar No. 588219
Matthew T. Wilson
Georgia Bar No. 558420

PRINCENTHAL, MAY & WILSON, LLC
750 Hammond Drive
Building 12, Suite 200
Sandy Springs, GA 30328
TEL: (678) 534-1980
FAX: (404) 806-0624

Attorneys for Plaintiff

IN THE STATE COURT OF CLAYTON COUNTY
STATE OF GEORGIA

Tiki Brown
Tiki Brown
Clerk of State Court
Clayton County, Georgia
Deanna Riggins

CHAVEZ KNUCKLES

Civil Action File No.
2021CV02762

Plaintiff,

v.

WAL-MART INC, WAL-MART
STORES EAST, LP, NATASHA GREY,
JOHN DOE I, II and III,

Defendants.

CERTIFICATE REGARDING DISCOVERY

Pursuant to Uniform State Court Rule 5.2, as amended, the undersigned
hereby certifies that the following discovery has been served upon all persons
identified in the Certificate of Service attached hereto and incorporated herein by
reference:

- 1) DEFENDANTS WAL-MART, INC. AND WAL-MART STORES EAST, LP'S ANSWERS TO PLAINTIFF'S FIRST INTERROGATORIES; and
- 3) DEFENDANTS WAL-MART, INC. AND WAL-MART STORES EAST, LP'S RESPONSES TO PLAINTIFF'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

McLAIN & MERRITT, P.C.

/s/ Mark L. Pickett

Mark L. Pickett
Georgia Bar No. 578190
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing **CERTIFICATE REGARDING DISCOVERY** has this day been filed and served upon opposing counsel via Odyssey eFileGA.

This the 7th day of February, 2022.

McLAIN & MERRITT, P.C.

/s/ Mark L. Pickett

Mark L. Pickett
Georgia Bar No. 578190
Attorney for Defendants
WAL-MART, INC.
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E. Suite 500
Atlanta GA 30326
(404) 365-4516
(404) 364-3138 (fax)
Mpickett@mmatllaw.com

Tiki Brown
Tiki Brown
Clerk of State Court
Clayton County, Georgia
Jahice Miller

IN THE STATE COURT OF CLAYTON COUNTY
STATE OF GEORGIA

CHAVEZ KNUCKLES

Civil Action File No.
2021CV02762

Plaintiff,

v.

WAL-MART INC, WAL-MART
STORES EAST, LP, NATASHA GREY,
JOHN DOE I, II and III,

Defendants.

/

CERTIFICATE REGARDING DISCOVERY

Pursuant to Uniform State Court Rule 5.2, as amended, the undersigned
hereby certifies that the following discovery has been served upon all persons
identified in the Certificate of Service attached hereto and incorporated herein by
reference:

DEFENDANTS WAL-MART, INC. AND WAL-MART STORES EAST,
LP'S SUPPLEMENTAL ANSWERS TO PLAINTIFF'S FIRST
INTERROGATORIES

McLAIN & MERRITT, P.C.

/s/ Mark L. Pickett

Mark L. Pickett
Georgia Bar No. 578190
Attorney for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing CERTIFICATE REGARDING DISCOVERY has this day been filed and served upon opposing counsel via Odyssey eFileGA.

This the 2nd day of March, 2022.

McLAIN & MERRITT, P.C.

/s/ Mark L. Pickett

Mark L. Pickett
Georgia Bar No. 578190
Attorney for Defendants
WAL-MART, INC.
WAL-MART STORES EAST, LP

3445 Peachtree Road, N.E. Suite 500
Atlanta GA 30326
(404) 365-4516
(404) 364-3138 (fax)
Mpickett@mmatllaw.com

Tiki Brown
Tiki Brown
Clerk of State Court
Clayton County, Georgia
Shalonda Green

IN THE STATE COURT OF CLAYTON COUNTY

STATE OF GEORGIA

CHAVEZ KNUCKLES,)	
)	CIVIL ACTION
Plaintiff,)	
)	FILE NO. 2021CV02762
vs.)	
)	
WAL-MART, INC., WAL-MART)	
STORES EAST, L.P., NATASHA GREY,)	
JOHN DOE I, II, AND III,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

The undersigned counsel certifies that he has served a copy of the foregoing **PLAINTIFF'S**
RESPONSES TO DEFENDANT WAL-MART, INC. AND WAL-MART STORES EAST LP'S
FIRST INTERROGATORIES AND REQUEST FOR PRODUCTION OF DOCUMENTS

upon the Court and counsel via electronic delivery service to the following:

Mark L. Pickett
McLain & Merritt
3445 Peachtree Road, Suite 500
Atlanta, GA 30326
mpickett@mmatllaw.com

This 11th day of March, 2022.

/s/ Matthew T. Wilson
Adam P. Princenthal
Georgia Bar No. 588219
Matthew T. Wilson
Georgia Bar No. 558420

PRINCENTHAL, MAY & WILSON, LLC
750 Hammond Drive
Building 12, Suite 200
Sandy Springs, GA 30328
TEL: (678) 534-1980
FAX: (404) 806-0624

Attorneys for Plaintiff